

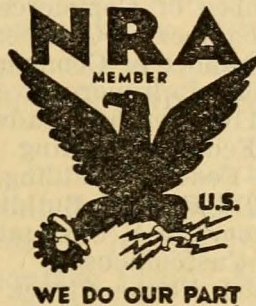
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

SHOWER DOOR INDUSTRY

AS APPROVED ON MAY 19, 1934

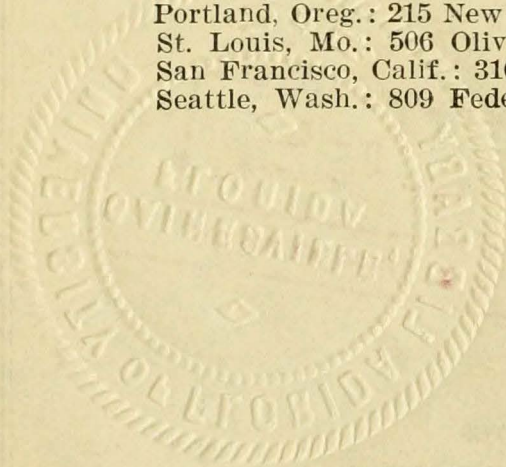


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Approved Code No. 435

CODE OF FAIR COMPETITION

FOR THE

SHOWER DOOR INDUSTRY

As Approved on May 19, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SHOWER DOOR INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Shower Door Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. R. GLANCY,
Division Administrator.

WASHINGTON, D.C.,
May 19, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Shower Door Industry, the hearing having been conducted in Washington on February 20, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

INDUSTRY BACKGROUND

The Shower Door Industry to a great extent is dependent upon the construction and building of high class hotels, apartment houses, hospitals and private residences. The industry, although comparatively small and new in the field of construction gives promise of taking a more prominent place in the future due to the increasing demand of the public for ultra-modern conveniences in building construction.

HOURS AND WAGES

The Code provides a standard work week of 40 hours for plant employees. Exception is made in regard to truckmen who shall be permitted to work 45 hours per week with a maximum average of not more than 40 hours a week during a four (4) consecutive weeks' period. Office employees are limited to an average of 40 hours per week. The minimum wage rate for plant and service employees is 45 cents per hour. Mechanics' helpers shall receive 90% of the minimum hourly rate and office employees a minimum wage of \$16.00 per week.

ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 approximately 300 persons, including office employees. Approximately 218 were factory workers. A slight increase in employment will result from the reduction of hours to the 40 hour maximum work week. The minimum wage rate of 45 cents per hour will represent an increase in weekly wages for 23 percent of the employees. The Industry comprising approximately 23 concerns has an invested capital of about \$500,000 and an average annual sales volume of approximately \$1,000,000.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth, and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an Industrial Association truly representative of the aforesaid Industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MAY 19, 1934.

CODE OF FAIR COMPETITION FOR THE SHOWER DOOR INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Shower Door Industry, and shall be the standard of fair competition for such industry and shall be binding on every member thereof.

ARTICLE II—DEFINITIONS

The term "Shower Door Industry" or "Industry" as used herein includes the manufacture and sale by the manufacturer of shower doors, bathtub and shower enclosures, composed of various metals and glass.

SECTION 1. The term "member of the industry" includes anyone engaged in the Industry either as an employer or on his or its own behalf.

SECTION 2. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 3. The term "employer" as used herein includes anyone by whom such an employee is compensated or employed.

SECTION 4. The terms "President", "Act", and "Administrator" as used herein shall mean, respectively, President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 5. The term "Code Authority" as used herein means the body constituted under Article VI herein to administer this Code.

SECTION 6. The term "Association" as used herein is defined to mean the National Shower Door Manufacturers Association.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any week, or eight (8) hours in any twenty-four (24) hour period; except as herein otherwise provided.

SECTION 2. No employees employed as truckmen shall be permitted to work in excess of forty-five (45) hours in any one week, with a maximum average of not more than forty (40) hours a week during a four (4) consecutive week period.

SECTION 3. The maximum hours fixed in the foregoing sections shall not apply to any employees engaged in emergency maintenance or emergency repair work, involving breakdowns or protection of life or property, but in any such special case, at least one and one-half

times the normal rate shall be paid for hours worked in excess of forty (40) hours per week or eight (8) hours per day.

(a) The provisions of this Article shall not apply to traveling salesmen nor to persons engaged in executive, managerial, or supervisory capacities, who receive not less than \$35.00 per week.

SECTION 4. No employer shall knowingly permit any employee to work for any time which, when totalled with that already performed with another employer or employers exceeds the maximum permitted herein.

SECTION 5. Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the maximum number of hours herein prescribed.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at a rate of less than forty-five cents (45¢) per hour; except that,

(a) Any employee engaged in clerical or office work shall be paid at not less than sixteen (16) dollars per week, but messengers and office boys may be paid at the rate of not less than eighty (80) percent of the wage rate paid to clerical or office help, provided that there shall be not more than one such employee to each twenty office employees or fraction thereof.

SECTION 2. Piecework compensation. This Article establishes a minimum rate of pay which shall apply whether an employee is compensated on a time rate, piecework, or other basis.

SECTION 3. Equitable adjustments in pay schedules of all employees shall be made within thirty (30) days after the effective date of this Code by any employer who has not heretofore made such adjustments under the Act. Within sixty (60) days after the effective date, all such adjustments made under the Act shall be reported to the Code Authority and the Administrator, provided that in no case shall hourly rates of pay be reduced.

SECTION 4. This Article establishes rates of pay which shall be exempt from any charge, fines, and/or deduction by the employer.

SECTION 5. An employer shall make payment of all wages due not otherwise than in lawful currency or by negotiable check, payable on demand. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners, or required by laws. Wages shall be paid at least at the end of every two week period, and salaries at least at the end of every month. No employer shall withhold wages lawfully due and payable.

SECTION 6. No one shall accept special rebates or free services or other gratuities from employees which shall have the effect of a reduction in wages.

SECTION 7. Mechanic's helpers between the ages of 18 and 21 are not included in the wage provisions of Section 1 of this Article, except that they shall in no case be paid less than 90% of the minimum rate per hour described in Section 1 and provided that the total number of such employees shall not exceed one employee for each ten employees, or fraction thereof, engaged in manufacturing operations; and provided also that at the end of his first year's service

any such helper shall be paid not less than the minimum wage rate described in Section 1.

ARTICLE V

SECTION 1. No person under eighteen (18) years of age shall be employed in the industry.

SECTION 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SECTION 3. No employee and no one seeking employment shall be required as condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

SECTION 4. Employers shall comply with the maximum hours of labor, minimum rates of pay and other conditions of employment approved or prescribed by the President.

SECTION 5. Within each state this Code shall not supercede any laws of such state imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire protection, or insurance or general working conditions, than under this Code.

SECTION 6. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 7. This Code shall not supersede the provisions in any existing labor agreements establishing hours, wages and conditions of employment more favorable to employees than the provisions of this Code.

SECTION 8. A days' work shall constitute eight (8) continuous hours of employment with not more than one hour intermission during the course of this period for lunch or any other meal.

SECTION 9. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the Code.

SECTION 10. All employers shall post copies of this Code in accordance with such rules and regulations as the Administrator may prescribe.

ARTICLE VI—ADMINISTRATION

SECTION 1. To further effectuate the policies of the Act, a Code Authority shall be formed to cooperate with the Administrator in the administration of this Code.

(a) The Code Authority shall consist of five members of the Industry, three of whom shall be members of the Association, who shall be elected by a majority vote of the Board of Directors of the Association. The two members who are not members of the Associ-

ation shall be elected by members of the Industry not members of the Association by a mail ballot to be conducted by the Association within ten days after the effective date of the Code, such ballots to be sent by registered mail to all ascertainable members of the Industry not members of the Association and the Association shall certify the results of this election to the Administrator for approval. Each such member of the Code Authority shall serve for a term not exceeding one year or until his successor is elected, and shall have one vote.

In addition, the Administrator may appoint not more than three non-voting members to such Code Authority.

SECTION 2. (1) It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

1. An itemized budget of its estimated expenses for the foregoing purposes, and
2. An equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry entitled to the benefits accruing from the maintenance of such standards, and the administration thereof;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contributions as above set forth, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the industry shall be liable for his or its equitable contribution to the expenses of the maintenance of the Code Authority as hereinabove provided. Only members of the industry complying with the Code and making such contribution shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any N.R.A. insignia.

SECTION 3. The Code Authority shall have the following duties and powers.

(a) Under such rules and regulations as the Administrator may prescribe, to insure the execution of the provisions of this Code and provide for compliance of the members of the Industry with the provisions of the Act and this Code.

(b) The making of such reports as the Administrator may require and the collecting from members of the Industry periodically or as often as it may direct sworn or unsworn reports on wages, hours of labor, conditions of employment, number of employees, and other matters pertinent to the provisions of this Code.

(c) The causing to be formulated of an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods have been formulated and has been approved by the Administrator full

details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

(d) The appointing of a secretary who shall file and keep confidential any and all information requested by the Code Authority; the reports of individual members shall not be divulged to any member of the Industry except in compiled summaries, but shall be available to the Administrator upon request.

(e) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the industry for the purpose of formulating fair practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

(f) To cooperate with the Administrator in regulating the use of any National Recovery Administration insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

SECTION 4. No member of the Code Authority shall act in any matter involving a member of the Industry by whom he is employed or with whom he is associated or affiliated.

SECTION 5. Any Association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 6. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of such Code Authority.

SECTION 7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or non-feasance.

SECTION 8. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective

unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—TRADE PRACTICES

RULE 1. It shall be an unfair practice to allow cash discounts or other terms of payments which shall reduce sales price below cost, except as specified in Article VIII of this Code.

RULE 2. Members of the Industry may allow 2% cash discount for payments made in ten days. Interest at the rate of 6% or the legal maximum whichever is lower shall be charged for all accounts not paid within sixty days of installation.

RULE 3. No member shall give any guarantee against any decline in prices or any allowances in any shape, form or manner.

RULE 4. The sale or offering for sale of products of the industry under any form of guarantee against advance or decline in prices shall be considered an unfair trade practice.

RULE 5. No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 6. No member of the industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 7. No member of the industry shall misbrand or mislabel any of his products.

RULE 8. No employer shall permit any employee to share his commission, or to give any part of it or any gratuity to any purchaser of any product of this industry.

ARTICLE VIII—SELLING PRICE

No member of the Industry shall sell any industry product, at a price below his individual cost except as hereinafter provided:

(a) Any member of the Industry may sell at less than his own cost only in the following bona fide transactions: (1) Products of the industry sold as bona fide clearance, if advertised, marked and sold as such; (2) Imperfect or actually damaged products of the industry, if advertised, marked and sold as such; (3) Products of the industry sold upon complete and final liquidation of any business; (4) To meet the competition of a member of the industry whose cost under this Code are lower. Cost for the purpose of this provision, shall be determined in accordance with the principles enumerated in

the standard cost system formulated by the Code Authority and approved by the Administrator.

Any sales below cost made pursuant to the above provisions must be immediately reported to the Code Authority together with copies of the invoices.

(b) When the Administrator determines that destructive price cutting has caused an emergency in the industry such as to render ineffective or seriously to endanger the maintenance of the provisions of this Code, the Code Authority may cause an impartial agency to investigate costs in the industry and to determine the lowest reasonable cost of the product affected by such destructive practice. Such determination shall exclude all forms of return on capital investment and any extraordinary or inflationary cost elements and shall be in all respects subject to such rules and regulations as may be issued by the Administrator and to his approval or modification after such notice and opportunity to be heard as he may prescribe. The Code Authority or the Administrator may, upon its or his own initiative or upon the request of any interested party, from time to time, cause such determinations to be reviewed or reconsidered and appropriate action taken. During any such emergency, any sale below the lowest reasonable cost of the particular product as determined pursuant to this sub-section shall be deemed destructive price cutting, unless justified by notification to the Code Authority as a necessary means of disposal of (1) dropped lines or seconds, (2) imperfect or actually damaged products, or (3) products sold upon complete liquidation of the business of a member of the Industry.

ARTICLE IX

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions in Subsection (b) of Section 10 of Title I of the Act from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act and specifically, but without limitation to the right of the President to cancel or modify his approval of this Code or conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience, based upon application to the Administrator by the Code Authority; and after such notice and hearing as he shall specify, such modification shall become effective as part of this Code on the approval of the Administrator.

ARTICLE X—REPORTS

In addition to information required to be submitted to this Code Authority, all or any of the persons subject to such Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Federal and State agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to Government agencies.

ARTICLE XI

No provision of this Code shall be interpreted or applied in such manner as to promote or permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XII

This Code shall become effective on the 10th day after its approval by the President.

Approved Code No. 435.

Registry No. 1129-1-09.



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